

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EMINA MUHAREMOVIC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV666-DJS
)	
DELBERT O. WYSE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Now before the Court is plaintiff Emina Muharemovic's motion to appoint and substitute a defendant ad litem [Doc. #18]. Defendant has filed no response, and the time for defendant to do so has expired. Accordingly, plaintiff's motion is ready for disposition.

On May 15, 2007, counsel for defendant filed a suggestion of death, stating that the sole defendant, Delbert O. Wyse, died on May 1, 2007. On November 13, 2007, plaintiff filed the current motion asking the Court to appoint a defendant ad litem – specifically, Bryan Edwards, a licensed attorney and a Missouri Bar member, located at 625 North Euclid, St. Louis, Missouri 63108 – and to substitute him as a party for defendant Wyse. Plaintiff argues that her motion is supported by the following provision of law:

The existence of a cause of action for an injury to property, for a personal injury not resulting in death, or for wrongful death, which action survives the death of the wrongdoer or the person injured, or both, shall authorize and require the appointment by a probate division of the circuit court of...[a] personal representative of the

estate of a wrongdoer upon the death of such wrongdoer; provided that, if a deceased wrongdoer was insured against liability for damages for wrongdoing and damages may be recovered from the wrongdoer's liability insurer, then the court in which any such cause of action is brought shall appoint at the request of the plaintiff or other interested party a qualified person to be known as a defendant ad litem.

Mo. Rev. Stat. § 537.021 (emphasis added). On November 29, 2007, the Court ordered that plaintiff file with the Court evidence showing that defendant Wyse was insured against liability for damages for wrongdoing and that damages may be recovered from that liability insurer. See Doc. #19. On December 18, 2007, plaintiff filed with the Court defendant Wyse's auto insurance declaration, indicating that he had liability insurance at the time of the alleged incident. Accordingly,

IT IS HEREBY ORDERED that plaintiff Emina Muharemovic's motion to substitute defendant ad litem [Doc. #18] is granted.

IT IS FURTHER ORDERED that Bryan Edwards, a licensed attorney and a Missouri Bar member, located at 625 North Euclid, St. Louis, Missouri 63108, is appointed defendant ad litem and is substituted as a party for defendant Delbert O. Wyse.

Dated this 9th day of January, 2008.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE